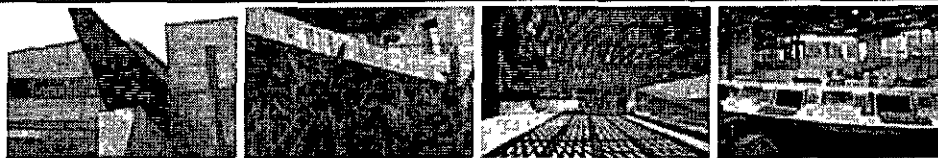


A U S T I N C I T Y C O U N C I L

## AGENDA



Thursday, December 14, 2006

Back Print

**Zoning and Neighborhood Plan Amendments  
(Public Hearings and Possible Action)  
RECOMMENDATION FOR COUNCIL ACTION****ITEM No. 77**

**Subject:** C14-06-0120 - Martin 1 & 2 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 101-103 East Braker Lane (Shoal Creek Watershed) from limited office (LO) district zoning to neighborhood commercial (LR) district zoning. Staff Recommendation. To deny neighborhood commercial (LR) district zoning. Zoning and Platting Commission Recommendation. To grant neighborhood commercial-conditional overlay (LR-CO) combining district zoning. Applicant: Billie A Martin Agent: Jim Bennett. City Staff: Jorge E Rousselin, 974-2975

**Additional Backup Material**

(click to open)

**Staff Report****For More Information:** Jorge E. Rousselin, 974-2975.

**ZONING REVIEW SHEET****CASE:** C14-06-0120**Z.A.P. DATE:** July 18, 2006  
September 5, 2006  
November 7, 2006**ADDRESS:** 101-103 East Braker Lane**OWNER:** Billie A Martin.**AGENT:** Jim Bennett**REZONING FROM:** LO (Limited office) district**TO:** LR-CO (Neighborhood commercial-conditional overlay) combining district**AREA:** 0.398 Acres (17,336.88 sq. ft.)**SUMMARY CITY COUNCIL ACTION:****October 19, 2006:****SENT BACK TO ZONING AND PLATTING COMMISSION FOR ADDITIONAL REVIEW ON CONSENT (7-0).****SUMMARY ZONING AND PLATTING RECOMMENDATION:****November 7, 2006****APPROVED LR-CO ZONING WITH CONDITIONS OF:**

- LIMITED VEHICLE ACCESS TO (1) DRIVEWAY;
- PROHIBIT SERVICE STATIONS;
- PROHIBIT FOOD SALES;
- PROHIBIT GUIDANCE SERVICES;
- PROHIBIT BUSINESS OR TRADE SCHOOLS;
- PROHIBIT OFF-SITE ACCESSORY PARKING;
- PROHIBIT CONSUMER CONVENIENCE;
- PROHIBIT RESTAURANT (LIMITED); BY CONSENT.

**[J.MARTINEZ, S.HALE 2<sup>ND</sup>] (9-0)****SUMMARY ZONING AND PLATTING RECOMMENDATION:****September 5, 2006:****APPROVED STAFF'S RECOMMENDATION OF DENIAL OF LR ZONING****[J. MARTINEZ, S. HALE 2<sup>ND</sup>] (7-0)****ISSUES:**

The applicant offers a conditional overlay that shall prohibit the following uses

- Service station;
- Food sales; and

Furthermore, the conditional overlay shall limit vehicular access to one (1) driveway

**SUMMARY STAFF RECOMMENDATION:**

Staff recommends denial of the rezoning from LO (Limited office) to LR-CO (Neighborhood commercial). The Staff recommendation is based on the following considerations:

- 1) The proposed commercial zoning classification is incompatible with the established office zoning along Braker Lane,

- 2 ) The existing office zoning along Braker Lane serves as a buffer to the less intensive residential uses north of Braker Lane, and
- 3 ) A change in conditions to a more intensive zoning classification will discourage a transition of land uses from intensive commercial uses south of the subject property to the less intensive residential uses north of Braker Lane

**DEPARTMENT COMMENTS:**

The subject rezoning area consists of a 0.398 acre (17,336.88 sq ft) site including mobile homes zoned LO. There is access via a driveway off Braker Lane and a driveway off Georgian Drive. The applicant proposes to rezone the property to neighborhood commercial (LR) district to allow for retail uses. The North Lamar Area Study recommends this site for commercial uses and the approved zoning for the same is LO.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	LO	Mobile homes
<i>North</i>	SF-1	Single-family residences
<i>South</i>	CS	Single-family residence
<i>East</i>	LO	Auto body shop / parking
<i>West</i>	LO	Single-family residence

**AREA STUDY:** North Lamar

**TIA:** N/A (See Transportation comments)

**WATERSHED:** Walnut

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** N/A

**HILL COUNTRY ROADWAY:** N/A

**NEIGHBORHOOD ORGANIZATIONS:**

114--North Growth Corridor Alliance

742--Austin Independent School District

511--Austin Neighborhoods Council

937--Taking Action Inc

**SCHOOLS:**

Austin Independent School District

- Walnut Elementary School
- Dobie Middle School
- Lanier High School

**RELATED CASES:**

C14-99-2091	LO to CS	01/11/00 APVD GR-CO (7-0), PROHIBIT ALL AUTO RELATED USES, COMMERCIAL OFF-STREET PKG, DROP-OFF RECYCLING COLLECTION FACILITY, FUNERAL SVCS, HOTEL/MOTEL, HOSPITAL SVCS, INDOOR ENTERTAINMENT, INDOOR	02/10/00 APVD PC REC OF GR-CO, 1ST RDG (6-0), NEED R C FOR OTHER RESTRICTIONS  06/01/00 APVD 2ND/3RD RDGS (7-0)
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		SPORTS/RECREATION, OUTDOOR ENTERTAINMENT, OUTDOOR SPORTS/RECREATION, PAWN SHOPS, PERSONAL IMPROVEMENT SVCS, THEATER, FAST FOOD RESTAURANT, EXTERMINATING SVCS & GUIDANCE SVCS, 2000 TRIP LIMITATION (7-0)	
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**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-99-0021	CS to CS-MU	03/16/99 APVD STAFF REC OF CS-MU-CO (7-0) CONSENT	04/15/99: APVD PC REC OF CS- MU-CO W/CONDS (7-0) ALL 3 RDGS  CO: 2,000 vehicle trip limit
C14-00-2162	LO to LR	11/14/00: APVD LR-CO (8-0), CONSUMER REPAIR ONLY USE W/ALL OTHER LO USES & LO STDS	12/14/00: APVD LR-CO (7-0); 1ST RDG, SUBJ TO ROLLBACK TO LO IF CURRENT USE CEASES FOR MORE THAN 90 DAYS  02/08/01 APVD LR W/CONDS (6- 0); 2ND/3RD RDGS
C14-01-0176	SF-3 to LO	01/22/02. APVD STAFF ALT REC OF 'NO' BY CONSENT (8-0)	02/28/02 APVD NO (6-0), 1ST RDG 03/21/02 APVD NO (7-0), 2ND/3RD RDG
C14-03-0093	SF-3 to LO-MU	07/15/03 APVD STAFF ALT REC OF NO-MU BY CONSENT (8-0)	08/14/03 APVD LO-MU (7-0), ALL 3 RDGS
C14-06-0128	GR-CO to GR-CO	07/18/06 PENDING RECOMMENDATION	PENDING

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Sidewalks	Bus Route	Bike Route
Braker Lane	110'	60'	Arterial	Yes	Yes	Priority 2
Georgian Drive	50'	24'	Collector	No	No	No

**CITY COUNCIL DATE**

September 28, 2006

October 5, 2006

October 19, 2006

**ACTION:**

This item was postponed to October 5, 2006 at the neighborhood's request

This item was postponed to October 19, 2006 at the applicant's request

Sent back to Zoning and Platting Commission for additional review on consent (7-0)

December 14, 2006

**ORDINANCE READINGS:** 1<sup>st</sup> 2<sup>nd</sup> 3<sup>rd</sup>

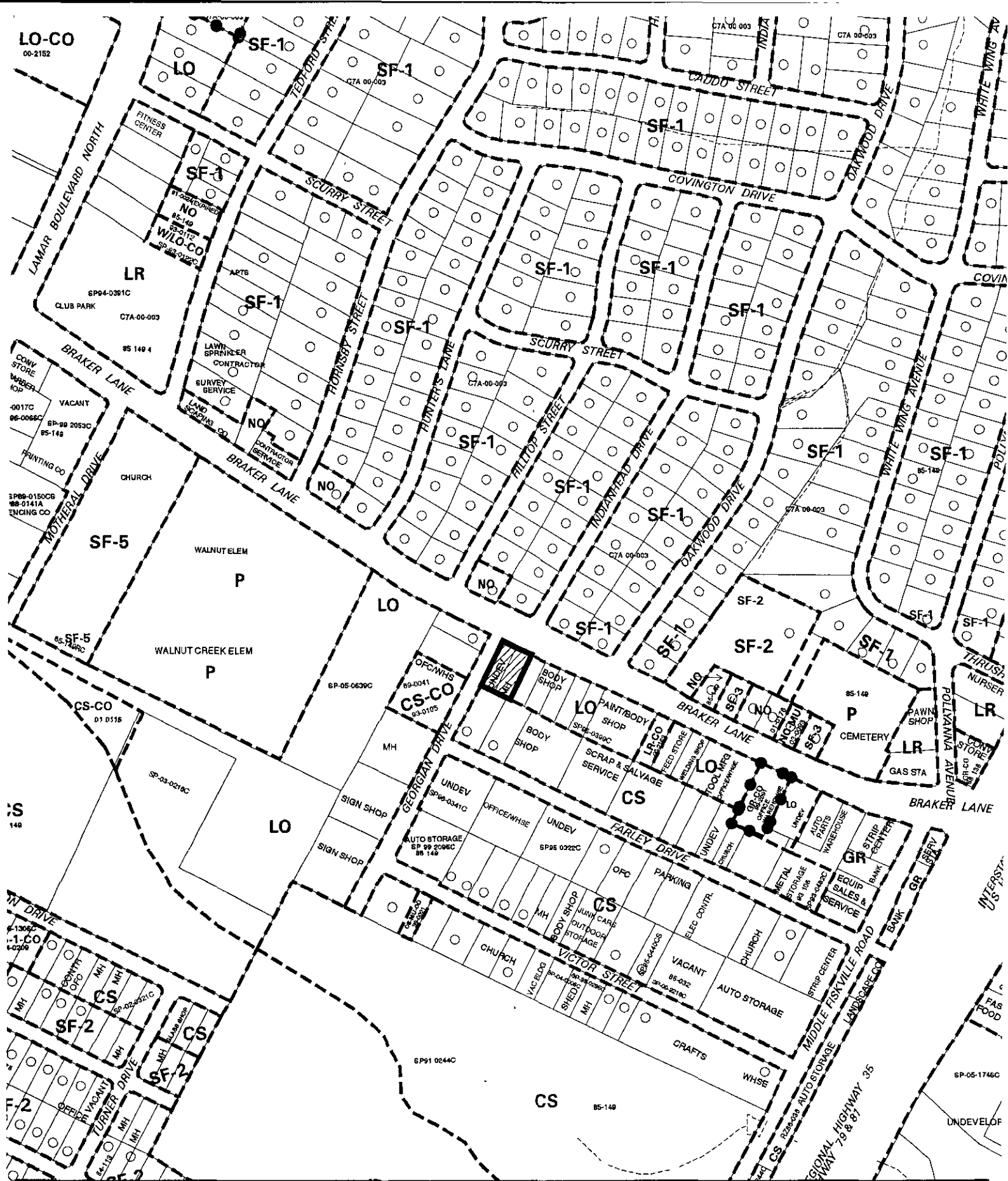
**ORDINANCE NUMBER:**

**CASE MANAGER:** Jorge E Rousselin, NPZD

**PHONE:** 974-2975

**E-MAIL:** [jorge.rousselin@ci.austin.tx.us](mailto:jorge.rousselin@ci.austin.tx.us)

LO-CO  
00-2152



SUBJECT TRACT  
PENDING CASE  
ZONING BOUNDARY  
CASE MGR. J. ROUSSELIN

CASE #: C14-06-0120

ADDRESS: 101 & 103 BRAKER LANE

SUBJECT AREA (acres): 0.398

ZONING

DATE: 06-07

INTLS: SM

CITY GRID  
REFERENCE  
NUMBER  
M31





## STAFF RECOMMENDATION

Staff recommends denial of the rezoning from LO (Limited office) to LR (Neighborhood commercial). The Staff recommendation is based on the following considerations:

- 1.) The proposed commercial zoning classification is incompatible with the established office zoning along Braker Lane,
- 2.) The existing office zoning along Braker Lane serves as a buffer to the less intensive residential uses north of Braker Lane; and
- 3.) A change in conditions to a more intensive zoning classification will discourage a transition of land uses from intensive commercial uses south of the subject property to the less intensive residential uses north of Braker Lane.

## BASIS FOR RECOMMENDATION

### *1. Zoning changes should promote compatibility with adjacent and nearby uses.*

The zoning for the southern portion of Braker Lane has been established to create a buffer between the existing intensive commercial uses south of the subject tract and the established neighborhood north of Braker Lane. The requested zoning will not create a compatible environment as the transition of land uses progresses north to the single-family uses. Although subject to compatibility standards, the proposed zoning will infringe on the character of the neighborhood by implementing land uses and height standards incompatible with adjacent residential uses and height limitations along the north side of Braker Lane.

### *2. The proposed zoning should promote consistency, and orderly planning.*

Although existing land uses are more intensive than the zoning classification, changes to such designations should encourage a compatible mix of uses that will complement residential land uses within the area.

### *3. Zoning should promote a transition between adjacent and nearby zoning districts, land uses, and development intensities.*

The current zoning of LO allows for a transition to the established residential neighborhood to the north of Braker Lane. Properties located south of the subject tract are predominantly more intensive in zoning and the existing block of LO zoned properties serves as the transition to the residential properties to the north. A change to a more intensive zoning classification at this location will disrupt the transition to the less intense residential land uses.

### *4. No change in conditions has occurred within the area indicating that there is a basis for changing the originally established zoning and development restrictions for the property.*

Existing land uses have predominantly been maintained in this area and a change in conditions has not occurred that demonstrates that this area is in transition to other land uses or that the introduction of additional intensive zoning is justified.



## EXISTING CONDITIONS

### Site Characteristics

The subject rezoning area consists of a 0.398 acre (17,336.88 sq. ft.) site including mobile homes zoned LO. There is access to the property via a driveway off Braker Lane and a driveway off Georgian Drive. The applicant proposes to rezone the property to neighborhood commercial (LR) district to allow for retail uses. The North Lamar Area Study recommends this site for commercial uses.

### Transportation

1. No additional right-of-way is needed at this time. The AMATP calls for 140 feet of right-of-way for the segment of Braker Lane adjacent to this tract. Dedication of additional right-of-way may be required during the subdivision or site plan process.
2. The trip generation under the requested zoning is estimated to be 1,385 trips per day, assuming that the site develops to the maximum intensity allowed under the zoning classification (without consideration of setbacks, environmental constraints, or other site characteristics).
3. A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

### Environmental and Impervious Cover

1. The site is not located over the Edward's Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Walnut Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family (minimum lot size 5750 sq. ft.)	50%	60%
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

2. According to flood plain maps, there is no floodplain within, or adjacent to the project boundary.
3. Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.
4. At this time, site specific information is unavailable regarding existing trees and other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

- 5 Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:
  - Structural controls Sedimentation and filtration basins with increased capture volume and 2 year detention
- 6 At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements

**Water and Wastewater**

- 1 The landowner intends to serve the site with City of Austin water and wastewater utilities.
2. The landowner, at own expense, will be responsible for providing the water and wastewater utility improvements, offsite main extension, system upgrades, utility adjustments, and utility relocation.
3. Also, the water and wastewater utility plan must be reviewed and approved by the Austin Water Utility
- 4 The plan must be in accordance with the City design criteria.
- 5 The water and wastewater utility construction must be inspected by the City
6. The landowner must pay all associated and applicable City fees

**Site Plan and Compatibility Standards**

- 1 FYI- Development of this site will be subject to Compatibility requirements triggered by the SF-1 zoned properties on the north side of Braker Lane
- 2 Site plan requirements have no limitations or objections to this zoning change No comments

**Billie Martin**  
**7217 Chimney Corners**  
**512-345-9868**  
**512-345-4552 (Fax)**  
**billie@bmaustin.com**

**RECEIVED**

AUG 09 2006

Neighborhood Planning & Zoning

**FAX TRANSMITTAL SHEET**

**DATE:** August 8, 2006

**TO:** Jim Bennett - 784-4961 282-0959 (Fax)

**FROM:** Billie Martin

**RE:** CASE: C 14-06-0120 - 101 & 103 E Braker Lane

This is Page 1 of a 2 page communication.

If you do not receive all of these pages, please contact sender at (512) 345-9868.

Jim,

Please inform the Zoning Board and the Neighborhood board that I would like to have my case postponed until the next meeting in September 2006. SEPT. 5th 2006 RB

I will not be able attend this time because I have to be out of town on that date.

Thank you for your understanding.

If you have any questions please feel free to give me a call.

Sincerely,

Billie

(Billie A. Martin)

This facsimile message is a privileged and confidential communication and is transmitted for the exclusive information and use of the addressee. Persons responsible for delivering this Communication to the intended recipient are admonished that this communication may not be copied or disseminated except as directed by the addressee. If you receive this communication in error, please notify us immediately by telephone and mail the communication to us at our letterhead address. Thank you

## PUBLIC HEARING INFORMATION

This zoning/rezoning request will be reviewed and acted upon at two public hearings: before the Land Use Commission and the City Council. Although applicants and/or their agent(s) are expected to attend a public hearing, you are not required to attend. However, if you do attend, you have the opportunity to speak FOR or AGAINST the proposed development or change. You may also contact a neighborhood or environmental organization that has expressed an interest in an application affecting your neighborhood.

During its public hearing, the board or commission may postpone or continue an application's hearing to a later date, or may evaluate the City staff's recommendation and public input forwarding its own recommendation to the City Council. If the board or commission announces a specific date and time for a postponement or continuation that is not later than 60 days from the announcement, no further notice is required.

During its public hearing, the City Council may grant or deny a zoning request, or rezone the land to a less intensive zoning than requested but in no case will it grant a more intensive zoning.

However, in order to allow for mixed use development, the Council may add the MIXED USE (MU) COMBINING DISTRICT to certain commercial districts. The MU Combining District simply allows residential uses in addition to those uses already allowed in the seven commercial zoning districts. As a result, the MU Combining District allows the combination of office, retail, commercial, and residential uses within a single development.

For additional information on the City of Austin's land development process, visit our website:

[www.ci.austin.tx.us/development](http://www.ci.austin.tx.us/development)

Written comments must be submitted to the board or commission (or the contact person listed on the notice) before or at a public hearing. Your comments should include the board or commission's name, the scheduled date of the public hearing, and the Case Number and the contact person listed on the notice.

**Case Number:** C14-06-0120

**Contact:** Jorge Rousselin, (512) 974-2975

**Public Hearing:**

July 18, 2006 Zoning and Platting Commission

HENRY JONES  
Your Name (please print)

201 E Braker Ln  
Your address(es) affected by this application

[Signature]  
Signature

7/13/06  
Date

Comments:



If you use this form to comment, it may be returned to.

City of Austin

Neighborhood Planning and Zoning Department

Jorge Rousselin

P. O. Box 1088

Austin, TX 78767-8810

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**Case Number:** C14-06-0120

**Contact:** Jorge Rousselin, (512) 974-2975

**Public Hearing:**

July 18, 2006 Zoning and Platting Commission

Miki Stubblefield

Your Name (please print)

201 E Braker Ln

Your address(es) affected by this application

Miki Stubblefield

Signature

Date

7/13/06

Comments:



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City of Austin

Neighborhood Planning and Zoning Department

Jorge Rousselin

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**Case Number:** C14-06-0120

**Contact:** Jorge Rousselin, (512) 974-2975

**Public Hearing:**

July 18, 2006 Zoning and Platting Commission



*ALLAN KELLY*

Your Name (please print) 11301 OAKWOOD

11300 OAKWOOD

Austin, TX

Your address(es) affected by this application

7-12-06

Signature

Date

Comments

If you use this form to comment, it may be returned to:

City of Austin

Neighborhood Planning and Zoning Department

Jorge Rousselin

P O. Box 1088

Austin, TX 78767-8810